THE HON'BLE SRI JUSTICE V.ESWARAIAH

W.P.No.6633 of 2006

Dt.4.4.2006

Between:

U.Kanaka Raju and another ...
Petitioners

And

The Commissioner, Municipal
Corporation of Vijayawada,
Vijayawada

...
Respondent

ORDER:

Petitioners question the action of the respondent in not sanctioning the permission for construction of compound wall to the petitioners' plots situated in R.S.No.45/11 in Muthyalampadu Village, Ramakrishnapuram area, Vijayawada, as illegal and arbitrary.

Petitioners are the absolute owners of plot No.10 admeasuring 268.8 and plot No.11 admeasuring 229.6 sq.yards respectively in R.S.No.45/11 of Muthyalampadu Village, Ramakrishnapuram, Vijayawada. When the respondent Corporation has decided to form road through the property of the petitioners without initiating the procedure contemplated under the Land Acquisition Act, the petitioners filed W.P.Nos.17722 and 17724 of 2003 and this Court disposed of the same by a common order on 13.2.004 as under:

> "Having regard to the fact that the petitioners have not denied the averments made in the counter that the entire plots were made unauthorisedly without obtaining any permission from the competent authority and in the process, to regularize the lay out the Corporation undertook to form roads the land claimed by the petitioners falls in the regularized lay out area, the respondent

> Corporation is under obligation to acquire the same and see that necessary open place and roads should be left open by the persons who converted the land into plots. If the land acquired is not sufficient and not in accordance with the lay out regulations, the Corporation is entitled to insist for such areas, which should be set apart for roads. In view of the same, Corporation agrees to initiate proceedings for acquisition of such land as per the rules. The Corporation shall consider the applications made by the petitioners, pursuant to the interim order and if no such permission can be granted, since the land is affected by roads, the same shall be intimated to the petitioners".

Pursuant to the said orders of this Court dt.13.2.2004, the petitioners filed an application on 6.12.2005 and another representation on 7.3.2006 requesting the respondent to grant permission for construction of compound wall to enable them to protect from the encroachments. But the respondent Corporation has not considered and disposed of the same.

Heard the learned counsel for the petitioners and the learned counsel on behalf of the respondent.

Having regard to the facts and circumstances of the case, without expressing any opinion on the merits of the case, the respondent is directed to consider and dispose of the said representations of the petitioners keeping in view of the aforesaid directions of this Court in W.P.Nos.17722 and 17724 of 2003, dated 13.2.2004, and pass appropriate orders in accordance with law.

The writ petition is accordingly disposed of. No costs.

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V.ESWARAIAH, J.

4.4.2005
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